

Israel's apartheid policy towards the Palestinians

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1. Executive summary

The fall of the South African apartheid system by democratic elections in 1994 was one of the greatest accomplishments of the previous century. This could not have been done without the help of the international community, and especially because of the divestment movement in the 1980's. Today, even if the idea is very often censured and obscured, a similar challenge has taken the form of the Zionist's illegal settlements and occupation policy in Palestine. The media and official actors render the issue much more complicated than it really is: almost the totality of Palestine and its citizens are under the control of the Palestinian Authority, authority that is ultimately under Israeli control. As with the case of South Africa during the apartheid era, the vast majority of Palestine and its inhabitants are under control of the authoritarian occupying government. Even though Israel is under pressure from the international system, the Zionist state continues its illegal settlements further into Palestinian land. As such, the only efficient way to end the occupation is to generate a form of international divestment similar to the one imposed on South Africa under apartheid.

2. Introduction

Since the apartheid regime in South Africa was brought down, there is a constant analogy made between the case of South Africa and the case of Palestine. Like in South Africa during the apartheid era, the Palestinians are in an endless pursuit for rights, justice and freedom. An attempt will be made in this policy brief to describe the Zionist's oppressing regime by highlighting similarities to South African apartheid and will conclude with recommendations to the issue. Human rights and international law are presumed to be central and common to all. Therefore, its equal application must ultimately lead to justice (Tutu, 2002).

The signing of the Oslo agreements and the creation of the Palestinian Authority (PA) in September 1993 was seen by the Palestinians as a positive sign to get out of the Israeli grippe.

However, the PA was used as the extended arm of Zionist control over the Palestinians, which made possible for Israel to perceive the occupied territories of Gaza and West Bank as foreign entities when considering its population, while it allowed Israel to exploit its land. Therefore, the expansion of Israeli illegal settlements gain speed right after the Oslo agreements, now under near-official grounds, since the occupied territories had a new government, a new president, and a new flag. Yet, this governance is a façade because it has no legitimacy of statehood on its own, but is under total Zionist control (Lehman, 2000)

In consequence, in the eyes of the masses, the occupied territories and Israel are seen as two different entities. Regular Israeli air raids on civilian areas coupled with a policy of assassination do not alarm the international community since it is regarded as 'understanding' rules or war. As a result, conflict between the territories and Israel is seen as a war across borders while in fact it is still a struggle against occupation. Because of international inaction, there is basically no restriction on the Israel Defense Forces's use of force against the Palestinian population, as long as it more or less conforms to the international laws of war (Halper, 2002).

3. Critique of relevant literature and identifying the gap in knowledge

The association made between apartheid and Zionism is not new. Indeed, already in 1917 a friendship was maintained between Chaim Weizmann, first Zionist president, and Jan Smuts, the Prime Minister of the South African union. Hendrik Verwoerd, South African Prime Minister in the 60's, also stated that "Israel, like South Africa, is an apartheid state." Both state being excluded from the international communities had to cooperate in order to continue its survival. Therefore, while South Africa provided weapons to Israel, the Zionist state eased and relieved the international embargo on South African exports.

Furthermore, Israel would purchase rough diamonds from South Africa to refine and release them into the market with the label “made in Israel” to counter the international embargo on South Africa. Analogy is also found in the apartheid South African constitution which had no bill of rights, therefore allowing rules such as the population restriction act, the international security act and the pass laws. Those ideas were then also used by Israel, with additional procedures of deportations, separation of families, demolition of homes and extrajudicial killings (McMahon, 1998).

Therefore, the first common aspect of the Zionist’s legislation to the South African one is the discrimination on ethnic and racial grounds. During the apartheid era, the aim for South African ‘blacks’ was to enjoy the same rights and to be under the same laws as the oppressors. Even if the case of Israel’s difference lays partly in its total exclusion of outsiders, while South African’s used the outsiders as workforce, the characteristic of both regimes is that they want to create a single ‘pure’ state. Their demand is clear; all South Africans or Palestinians should share the same basic rights. Therefore, there is indeed a clear correlation to the same struggle the Palestinians are facing today.

The difference of attitude towards the outsiders will however have a tremendous impact on the way the oppressed suffer. Therefore, the principal difference of the Palestinians’ situation is that it is fragmented into three distinct categories of Palestinians; refugees (Palestinians in exile); Palestinians living in the occupied territories of Gaza Strip and the West Bank; and the Palestinians living in Israel (Zreik 2004).

3.1. Israel’s apartheid system

Here is the summary of a 2004 article in the “*Journal of Palestine Studies*” by Raef Zreik, a Ph.D. candidate at Harvard Law School. He practiced law in Israel and was formerly a member of the executive committee of the National Democratic Alliance (NDA), an Israeli-Palestinian political party.

Palestinian refugees

The Palestinian refugees form the largest group of the three, and are where the main difference with the traditional form of apartheid can be found, since many Palestinians are in exile spread around the world and not under direct Israeli rule. In order to properly understand the problem, the concept of apartheid should be clarified. According to Jeff Halper (2002), apartheid assumes the presence of the oppressed subject to exclusion within the state. The main negative experience faced by Palestinian refugees other than exile is the loss of relatives, displacement and dispossession. It therefore evolved into a frustration caused by a lack of self-determination.

The Palestinians in the occupied territories of West Bank and Gaza Strip

As much as the struggle of refugees does not really resemble the system of apartheid, the situation of Palestinians living in the occupied territories of West Bank and Gaza Strip are especially similar. The everyday reality of Palestinians living in the occupied territories are characterised by separation walls between the territories and Israel, fenced enclaves, subject to specific laws, closures, a pass system through check gates, roads for Israeli only, restrictions on water access for Palestinians only, land confiscations, closed military inspections, etc. Though the resemblance is strikingly similar to the apartheid system, or worse, the situation in the occupied territories is not officially perceived as an apartheid struggle by both parties or by the international system. The reason for that is because the occupied territories have an ambiguous status according to the Zionist state. Even if all occupied territories are under Israeli military control, Palestinians living there are considered to be outside Israel's borders and community. Therefore, because Palestinians are considered foreign to the state, there are no feelings of duty, ethical, moral or legal conduct towards Palestinians. However, Israelis attributed themselves the right to further the struggle of complete depravation of land by continuing to confiscate even more land, constructing settlements deeper in the occupied territories, controlling water sources, etc.

The Palestinians living in Israel

The third case study is the Palestinians who live inside the state of Israel, who are Israeli citizens and who make for about 20% of the population. This situation is the most relevant case in order to compare the system of apartheid to the Palestinian situation. Anyone who makes research into how Palestinians are treated inside Israel will find an obvious institutional discrimination against the minority of Palestinian Israel citizens. In 1966, the martial law imposed on all Palestinian land was lifted. However, more than 50% of land belonging to Palestinians was seized by the Zionists. Today, house demolitions for a variety of motives continue to affect the Palestinians living in Israel. Since the first colons arrived in Palestine, the local population never benefited from the government of any construction of new houses or building to help the Palestinian community. Infrastructure and education of the Palestinian community is far behind the general Israeli standards. There are limitations on Palestinian to buy or use public land in Israel. Furthermore, there is an imposition of Jews-only highway system, checkpoints, curfews and economic control on Palestinians. Therefore, these restrictions pushed the Palestinians to live in small enclaves, or 'ghettos', thus creating a separation between two groups within the same state. Here lies the best argument for the analogy of the Palestinian case and the South African apartheid system.

However, there are still differences between the two cases. First, Palestinians living in Israel constitute a minority, contrary to the South African model where the minority was in fact the oppressor. Secondly, Palestinians are subject to rights that oppressed South Africans under apartheid never enjoyed. Therefore, the main difference is that Palestinians living in Israel possess political participation in the form of general elections of representatives, creation of associations, some kind of freedom of expression, and other forms of political and civil rights (Zreik, 2004).

3.2. Goldstone Report

On 3 April 2009, the President of the Human Rights Council established the United Nations Fact Finding Mission on the Gaza Conflict with the mandate “to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after.” Justice Richard Goldstone, former judge of the Constitutional Court of South Africa and former Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, was appointed by the President to head the Mission. The other three appointed members were: Professor Christine Chinkin, Professor of International Law at the London School of Economics and Political Science, who was a member of the high-level fact-finding mission to Beit Hanoun (2008); Ms. Hina Jilani, Advocate of the Supreme Court of Pakistan and former Special Representative of the Secretary-General on the situation of human rights defenders, who was a member of the International Commission of Inquiry on Darfur (2004); and Colonel Desmond Travers, a former Officer in Ireland’s Defence Forces and member of the Board of Directors of the Institute for International Criminal Investigations.

(<http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/factfindingmission.htm>)

The report was the subject of many controversies, in spite of that it will be remembered as a stepping stone for the world to see what is happening in Palestine. Operation Cast Lead was the name given to the Zionist military assault on the Gaza Strip launched on 27 December 2008. The official aim of the mission was to stop Hamas rocket in southern Palestine. The military raid killed 1,400 Palestinians which were mostly civilians. During the weeks following the end of military assault on 18 January 2009, a vast number of human rights NGO's released results of investigations of abuse of human rights and violation of international law perpetrated during the mainly by Israel. Therefore, the UN Fact-Finding Mission on the Gaza Conflict, otherwise known as the Goldstone report was greatly anticipated by the international community (Goldstone, 2010).

3.3. BDS Movement

The only effective solution to stop occupation in Palestine would by an international divestment system such as the embargo imposed on South Africa under apartheid. Therefore, the BDS Movement is a global movement campaign aiming at the Boycott, Divestment and Sanctions (BDS) against Israel until it confirms to international law and give back Palestinian rights. BDS wants to help the oppressed Palestinians and allow the people to play an effective role in the Palestinian right for justice and freedom. For over 40 years, the Zionist state has denied the Palestinians their fundamental rights for freedom, equality and self-determination through ethnic cleansing, colonization, racial discrimination, and military occupation. Regardless of great criticism of Zionist policies by the international community, the UN and human rights NGO's, Israel still continues today to oppress the Palestinian people.

Since nothing has been done to condemn Israel and hold the state accountable for its crimes, the Palestinian civil society called for a global citizens' reaction. Therefore, on July 9 2005, as an answer for the construction of the Wall separating the occupied Palestinian territories from the state of Israel, the Palestinian civil society called upon the conscience people of the world to operate a boycott, introduce divestment programs, and to demand sanctions against Israel, until and unless Palestinians' right are recognised in full accordance to international law.

The campaign for boycotts, divestments and sanctions is designed based on a rights approach and highlights the three main groups of the Palestinian people: the Palestinian refugees, the Palestinian under military occupation in the Gaza and the West Bank, and the Palestinians living in Israel. The call urges the creation of a variety of boycott and economic sanctions against Israel until it meets its compliance of international law by; Ending the occupation, settlements and colonization of all Palestinian lands occupied since June 1967 and the dismantling of the Wall; Recognising the fundamental rights of the Palestinian people to full equality to the Israeli citizens; Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in the UN Resolution 194.

This call wants to represent all oppressed people around the world, and especially the Palestinian refugees, Palestinians living in the occupied territories, and the Palestinian living in Israel.

The boycott needs to target products and companies (Zionist and international) that profit from the violation of Palestinian rights and occupation of Palestinian territories, as well as Israeli sport events, cultural and academic institutions. Anyone who is willing to help can boycott Zionist goods, simply by not purchasing products made in Israel or by Israeli companies. Zionist cultural and academic institutions directly contribute to the maintenance and defence of the oppression of Palestinians as Israel tries to improve its image through academic, cultural and economic alliances. Therefore, a number of academics, artists and consumers are acting against such partnerships, refusing to display in the state of Israel.

The definition of divestment is the targeting of corporations that are complicit to the violation of Palestinian rights. These efforts are also a way of exposing the reality of Israel's policies, to raise awareness and encourage companies to use their economic power to pressure Israel to end its continuous denial of Palestinian rights. As a result, sanctions are an important approach to demonstrate disapproval for a state's actions and a good system to end the occupation (<http://www.bdsmovement.net/bdsintro>).

4. Conclusion

To conclude, the fact is that the Palestinian struggle is a fight for decolonisation instead of anti-apartheid movement means that this case is not ultimately a case of apartheid. In this case, the fight is actually for independence, for separation, for two distinct states and not for integration and equality within one state. The paramount aim for Palestinians is to attain self-determination through decolonization.

Thus, Israel's duty is clear: mutual agreement between two separate states to be equal and therefore lead to a stable, peaceful, and democratic political order. Yet, a forced unilateral system of double state of the type designed by former Israeli Prime Minister Netanyahu and U.S. President Obama is doomed to continue its violation of human rights.

This stubbornness will always lead to violence and instability, economic decline and social disorder. Therefore, unilateral separation of subordinate occupied territories is the wrong approach (Yiftachel, 2001).

Therefore, the principal difference of the Palestinian case in comparison with the South African apartheid regime is fragmentation; the experiences of oppressed South Africans are different to the many aspects of the Palestinian struggle, which thus makes it impossible to categorize under one term like apartheid. However, the situation of Palestinian living in the occupied territories could easily be considered worse than the situation during apartheid in South Africa. Palestine is under perpetual military air raid that bombards whole buildings down killing everyone inside under the pretext that a Palestinian leader was hiding inside. Therefore, even if the South African policies during apartheid were revolting, one can say that the Israeli policies are even worse. And this comes primarily from the fact that because Palestinians are not considered as citizens of any country, since the conventional rules that a state has to follow with regards to its citizens does not apply anymore.

According to Illan Pappé, Israel is stuck in the supremacist ideals and with goals of ethnic cleansing, which is considered a crime against humanity by the U.S. State Department's definition. He stated "That we still have such an ideological state at the beginning of the 21st century and we have such a small movement against it," he noted, "is one of the great mysteries [in the world today]." Although pessimistic, he concluded that "we still have a small window of opportunity before retribution sweeps us as Jews and Arabs alike." (Horton, 2007).

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